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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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SEAN F. McAVOY, CLERK
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9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MONICA PESINA, and
15 NICHOLAS SEAN CARTER,

16 Defendants.

4:19-CR-6063-SMJ
INDICTMENT

21 U.S.C. § 841(a)(1), (b)(1)(A)(viii)
Possession with Intent to Distribute
50 Grams or More of Actual (Pure)
Methamphetamine
(Count 1)

21 U.S.C. § 841(a)(1), (b)(1)(C)
Possession with Intent to Distribute
Heroin (Count 2)

21 U.S.C. § 841(a)(1), (b)(1)(B)(viii)
Possession with Intent to Distribute 5
Grams or More of Actual (Pure)
Methamphetamine (Count 3)

18 U.S.C. § 924(c)(1)(A)
Possession of a Firearm in
Furtherance of Drug Trafficking
(Count 4)

18 U.S.C. §§ 922(g)(1), 924(a)(2)
Felon in Possession of a Firearm and
Ammunition
(Count 5)

21 U.S.C. § 853, 18 U.S.C. § 924, 28
U.S.C. § 2461
Criminal Forfeiture

The Grand Jury charges:

COUNT 1

On or about June 4, 2019, in the Eastern District of Washington, the Defendant, MONICA PESINA, did knowingly and intentionally possess with the intent to distribute 50 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 2

That on or about June 4, 2019, in the Eastern District of Washington, the Defendant, MONICA PESINA, did knowingly and intentionally possess with the intent to distribute heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

COUNT 3

That on or about June 4, 2019, in the Eastern District of Washington, the Defendant, NICHOLAS SEAN CARTER, did knowingly and intentionally possess with the intent to distribute 5 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii).

COUNT 4

On or about June 4, 2019, in the Eastern District of Washington, the Defendant, NICHOLAS SEAN CARTER, did knowingly and willfully possess a firearm, to wit: a Hi-Point, model C9, 9mm pistol, bearing serial number P1245061, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii) as charged in Count 3, all in violation of 18 U.S.C. § 924(c)(1)(A).

COUNT 5

On or about June 4, 2019, in the Eastern District of Washington, the Defendant, NICHOLAS SEAN CARTER, knowing of his status as a person previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm and ammunition, to wit: Hi-Point, model C9, 9mm pistol, bearing serial number P1245061, and nine rounds of 9mm caliber ammunition containing the following headstamps: 1 round “.FC 9MM LUGER”; 3 rounds “.FC 9MM LUGER”; 2 rounds “.S&B 9X19 10”; 1 round “.R-P 9MM LUGER”; 1 round “.GECO 9MM LUGER”; and 1 round “.SIG 9MM LUGER,” which firearm and ammunition had theretofore been transported in interstate and/or foreign commerce, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2).

NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

Pursuant to 21 U.S.C. § 853 upon conviction of a controlled substance offense in violation of 21 U.S.C. § 841, as set forth in Counts 1 – 3 of this Indictment, Defendants MONICA PESINA (Counts 1 and 2) and NICHOLAS SEAN CARTER (Count 3), shall forfeit to the United States of America, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the offense(s). The property to be forfeited includes, but is not limited to:

NICHOLAS SEAN CARTER

- a 9mm HiPoint Pistol, bearing serial number P1245061, and,
- Nine rounds of 9mm caliber ammunition containing the following headstamps: 1 round “.FC 9MM LUGER”; 3 rounds “FC 9MM LUGER”; 2 rounds “S&B 9X19 10”; 1 round “R-P 9MM LUGER”; 1 round “GECO 9MM LUGER”; and 1 round “SIG 9MM LUGER.

If any forfeitable property, as a result of any act or omission of the Defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

1 the United States of America shall be entitled to forfeiture of substitute property
2 pursuant to 21 U.S.C. § 853(p).
3

4 Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), upon conviction of
5 a firearms offense in violation of 18 U.S.C. § 924(c)(1)(A), as set forth in Count 4
6 of this Indictment and/or in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), as set
7 forth in Count 5 of this Indictment, Defendant NICHOLAS SEAN CARTER, shall
8 forfeit to the United States of America, any firearms and ammunition involved or
9 used in the commission of the offense, including, but not limited to the following:
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12 - a 9mm HiPoint Pistol, bearing serial number P1245061, and,
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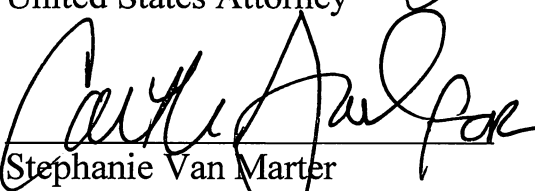
14 - Nine rounds of 9mm caliber ammunition containing the following
15 headstamps: 1 round “.FC 9MM LUGER”; 3 rounds “FC 9MM LUGER”; 2
16 rounds “S&B 9X19 10”; 1 round “R-P 9MM LUGER”; 1 round “GECO
17 9MM LUGER”; and 1 round “SIG 9MM LUGER.”

18 DATED this 5 day of November 2019.

19 A TRUE BILL
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22 F
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25 William D. Hyslop
26 United States Attorney

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28 Stephanie Van Marter
Assistant United States Attorney